REMARKS

I.   General

Claims 1-29 are pending in the present application. Claims 1-13, 15-27, and 29 stand rejected under 35 U.S.C. § 102. Claims 14 and 28 stand rejected under 35 U.S.C. § 103. The specification stands objected to. Applicant respectfully traverses the rejections and objections of record.

Claims 1, 15 and 29 have been amended to correct an informality discovered during the preparation of the present Amendment. Specifically, these claims have been amended to properly recite the "query feature vector" rather than the "query biometric vector" in the last clause thereof, discussing the target biometric sample being a potential match when a threshold number of features in the compared vectors are identical. The forgoing is readily appreciated from the claim language as filed, wherein the comparison is recited to be with respect to the query feature vector and target feature vectors, as well as from the specification as filed, see e.g., page 8, lines 13-16. No new matter has been added and the scope of the claim has not been narrowed in light of the applied art.

II.   Objections to the Specification

The specification stands objected to as including browser-executable code. In response, Applicant has amended the paragraph bridging pages 1 and 2 of the application to present the referenced URLs in a non-browser-executable code. Specifically, the hypertext transport protocol preamble has been deleted from the URLs set forth therein. It is respectfully asserted that the URLs in their amended form are permissible in the text of a patent application, see M.P.E.P. § 608.01 VII.

III.   The 35 U.S.C. § 102 Rejections

Claims 1-13, 15-27, and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Daugman, United States patent number 5,291,560 (hereinafter *Daugman*). However, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be

shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989)). Applicant respectfully asserts that *Daugman* neither teaches every element of the claims nor shows the identical invention in as complete detail as is contained in the claims.

Claim 1 recites "generating a query feature vector from a query biometric vector that represents said query biometric sample . . . ." Accordingly, the claim requires both a query biometric vector, representing a query biometric sample, and a query feature vector, generated from the query biometric vector. In contrast to the foregoing, *Daugman* teaches acquiring a digitized image of an eye of the human to be identified and encoding the digitized image to generate an iris code, see column 2, lines 53-54, and column 3, lines 1-6. Although it is unclear which elements of *Daugman* the Examiner is relying upon to meet the foregoing aspects of the claim from the rejection of record, Applicant believes that the digitized image must be relied upon as the biometric sample as there appears to be nothing else disclosed in *Daugman* upon which the identification system thereof operates, see column 4, lines 54-56. Accordingly, the disclosure of *Daugman* is devoid of at least one of the recited query biometric vector and query feature vector.

Moreover, even if the lack of the recited biometric sample were ignored in order to rely upon the digitized image of *Daugman* to meet one of the recited query biometric vector and query feature vector, the digitized image is not taught by *Daugman* to be a vector, although *Daugman* is familiar vectors as evidenced by *Daugman* teaching a vector resulting from the comparison of two iris codes, see column 3, lines 10-14. Accordingly, there is nothing in the disclosure of *Daugman* to teach or suggest a query biometric sample, a query biometric vector that represents the query biometric sample, and a query feature vector generated from the query biometric sample, nor has the Examiner shown otherwise.

Claim 1 requires that "said query feature vector compris[es] a plurality of features and said query biometric vector compris[es] a set of characteristics" There is nothing in the disclosure of *Daugman* to teach or suggest a query biometric vector that represents the query biometric sample comprising a set of characteristics and a query feature vector generated from the query biometric sample comprising a plurality of features. For example, neither the digitized image nor the iris code is not taught to comprise a plurality of features or a set of

characteristics. Accordingly, the identical invention is not shown in as complete details as is contained in the claims. Therefore, claim 1 and the claims dependent therefrom are patentable under 35 U.S.C. § 102 over *Daugman*.

Claims 15 and 29, similar to claim 1 discussed above, require a query biometric sample, a query biometric vector that represents the query biometric sample, and a query feature vector generated from the query biometric vector. Accordingly, claims 15 and 29, as well as the claims dependent therefrom, are asserted to be patentable under 35 U.S.C. § 102 over *Daugman* at least for the reasons set forth above with respect to claim 1.

Moreover, claim 15 recites "a data structure including a plurality of target feature vectors, each target feature vector representing a respective target biometric sample . . . ." Similarly, claim 29 recites "a memory storing a plurality of target feature vectors, each target feature vector representing a respective target biometric sample in said plurality of target biometric samples . . . ." The rejection of record with respect to claims 15 and 29 relies solely upon the rejection of record with respect to claim 1, see the Office Action at page 5. However, the rejection of claim 1 does not address the foregoing limitations of claims 15 and 29. Accordingly, a *prima facie* showing of anticipation under 35 U.S.C. § 102 has not been made of record.

IV.   The 35 U.S.C. § 103 Rejections

Claims 14 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daugman* in view of Glass et al., United States patent number 6,332,193 (hereinafter *Glass*). To establish a *prima facie* case of obviousness, three basic criteria must be met, see M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the remaining criteria, Applicant respectfully asserts that the references do not teach or suggest all the claim limitations.

Claims 14 and 28 depend from independent claims 1 and 15, respectively, and thus incorporate the limitations thereof. Applicant has shown above that claims 1 and 15 are not met by the disclosure of *Daugman*. The rejections of record with respect to claims 14 and 28 do not address the identified deficiencies in the disclosure of *Daugman*. Accordingly, claims 14 and 28 are asserted to be patentable over the 35 U.S.C. § 103 rejections of record at least for the reasons set forth above with respect to claims 1 and 15.

Moreover, in the rejections of record with respect to claims 14 and 28, the Examiner relies upon the disclosure of *Daugman* to meet the recited count hash table, see the Office Action at pages 7-8. In particular, the Examiner relies upon column 12, line 41, through column 13, line 25, and Figure 12 as teaching use of a table. However, there is nothing in this disclosure of *Daugman* to teach a hash table, nor would one of ordinary skill in the art understand this disclosure to suggest a hash table. A *prima facie* case of obviousness under 35 U.S.C. § 103 has therefore not been established with respect to claims 14 and 28.

V.   Summary

In view of the above, Applicant believes that each of the pending claims in the present application is in condition for allowance. Therefore, Applicant respectfully requests that the Examiner pass the application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 200301992-1 from which the undersigned is authorized to draw.
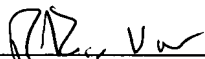
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Date of Deposit: June 21, 2005

Typed Name: Susan Bloomfield

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Respectfully submitted,

By _(signature)_
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